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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/517,691	03/02/2000	Miek Dekeyser	Q058016 5083		
75	90 07/31/2003				
Sughrue Mion Zinn MacPeak & Seas PLLC 2100 Pennsylvania Ave N W Washington, DC 20037-3213			EXAMINER		
			SHANG, ANNAN Q		
			ART UNIT	PAPER NUMBER	
			2614		
			DATE MAILED: 07/31/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.



A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edecions of time may be evaluate used the provision of 3°C FR 1.136(a). In no event, however, may a reply be timely filed Edecions of time may be evaluated used the provision of 3°C FR 1.136(a). In no event, however, may a reply be timely filed Edecions of the period for reply septicide above, he maximum of 3°C FR 1.136(a). In no event, however, may a reply be timely filed If the period for reply septicide above, he maximum adultory period will be particiden to become ABANDONED (30 U.S. c.§ 1313). For young second to reply septicident of the second provision and the second provision of the communication, even if timely filed, may reduce any Status 1) Responsive to communication(s) filed on 14 May 2003 2a) This action is FINAL. 2b) This action is reply and the provision of Claims 4) Claim(s) 1-8 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 4) Claim(s) 1-8 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) 1-8 is/are allowed. 6) Claim(s) 1-8 is/are allowed. 7) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) Claim(s) 1-8 is/are pending in the application and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 02 March 2000 is/are: a accepted or b objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10 The proposed drawing correction filed on is: a approved b disapproved by the Examiner. 11 approved, corrected drawings are required in reply to this Office action. 12 The proposed drawing correction filed on is: a approved b disapproved by the Examiner. 13 Priority under 35 U.S.C. § 119 and 120 13 Certified copies of the priority documents have been received in Application No										
Examiner Ant Unit Annan Q Shang -The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extractions of time may be available under the provisions of 3° CFR 1.136(n). In ne event, however, may a reply be timely filled. If the period for reply is pecified above, the nacimum stability period will suply and ville legist SK (8) MONTHS from the realing date of this communication. If the period for reply is pecified above, the nacimum stability period will suply and vill legist SK (8) MONTHS from the realing date of this communication. If the period for reply is pecified above, the nacimum stability period will suply and vill legist SK (8) MONTHS from the realing date of this communication, even if timely filled, may reduce any statute period term adjustment. See 3° CFR 1704(b). Status 1) □ Responsive to communication(s) filled on 14 May 2003. 2a) □ This action is FINAL. 2b) □ This action is non-dition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5b) □ Claim(s) 1.8 is/are rejected. 7b) □ Claim(s) 1.8 is/are rejected. 7c) □ Claim(s) 1.8 is/are rejected to. 8c) □ Claim(s) 2.8 is/are pending in the application and/or election requirement. Applicant may not request that any objected to by the Examiner. 10) □ The drawing(s) filed on 0.2 March 2000 is/are: a □ accepted or b □ objected to by the Examiner. 11□ □ The specification is objected to by the Examiner. 12□ □ The oath or declaration is objected to must be accepted or b □ objected to by the Examiner. 12□ □ The oath or declaration is objected to by the Examiner. 12□ □ The oath or declaration is objected to by the Examiner.	<u> </u>	Application No.		Applicant(s)	-					
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2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) are subject to to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 02 March 2000 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) proved by disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a dist of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(b) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing	36(a). In no event, howe y within the statutory min vill apply and will expire s , cause the application to	ver, may a reply be tim imum of thirty (30) days SIX (6) MONTHS from to become ABANDONED	ely filed will be considered timely the mailing date of this co						
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tak-Shing P Yum (IEEE TRANSACTIONS ON COMMUNICATIONS, VOL. 39, NO. 8, AUGUST 01, 1991).

As to claim 1, note the **Tak-shing P Yum** reference figure 1, discloses

Hierarchical distribution of video with dynamic port allocation and further discloses a

broadcasting unit for broadcasting in an access network channels of a distributive

service to a plurality of user terminals. The claimed broadcasting unit comprising... is

met as follows: the claimed "channel selecting means..." is inherent to Local Switches K

(LS-K), note figure 1 and page 1268, col. 2, subtitle "II. System Architecture," lines 1
page 1269, note that the Central Switch (CS) broadcasts video programs and allocates

circuits for interactive video to LS-K, "broadcasting unit," where LS-K selects from

among available channels at an input of LS-K the channels to be broadcast and

"channel broadcasting means" inherent to LS-K broadcasts the selected channels to the

subscribers in their respective regions; At LS-K "a request receiving means," "a request

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handling means," "a request generating means" and "a request transmitting means" all inherent to LS-K performs these functions; when the customer turns on his TV Set to select a particular program or channel with the remote control unit, the selection is transmitted to LS-K, if the "request handling means" at LS-K checks if the requested program is currently being transmitted and sends a copy to that customer, on the other hand if the customer is the first one in the region to request for that program, LS-K sends a signal "generates second type request" indicative for the unavailable requested program or channel to CS to ask for a copy and passes it on to the customer, note page 1269, col. 1, paragraph beginning "Let us first...."

As to claims 2 and 3, Yum further inherently teaches where the LS-K is adapted to generate the second type request information in accordance with a standard zapping protocol already used for the first type request information and also using a standard signaling protocol, note page 1269, col. 1, paragraph beginning "Let us first…."

As to claim 4, Yum further discloses where the access network comprising a plurality of LS-Ks as defined organized in multi-level topology, note figure 1.

As to claim 5, note the **Tak-shing P Yum** reference figure 1, discloses

Hierarchical distribution of video with dynamic port allocation and further discloses

access network enabled to broadcast channels of a distributive interactive service to a

plurality of user terminals. The claimed access network comprising... is met as follows:

the claimed "first broadcasting unit..." is met by Central Switch (CS), note figure 1 and

page 1268, col. 2, subtitle "II. System Architecture," lines 1-page 1269, note that the

Central Switch (CS) broadcasts video programs within the various channels "plurality of

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television channels" and allocates circuits for interactive video to Local Switches (LS-K), "second broadcasting unit" located closer to a plurality of subscriber terminals within the respective regions and is supplied at the input with a limited selection of channels chosen from the plurality of television channel, when the customer turns on his TV Set to select "generates a first type of requests" a particular program or channel with the remote control unit, the selection is transmitted to LS-K, the "request handling means" at LS-K checks if the requested program is currently being transmitted and sends a copy to that customer, on the other hand if the customer is the first one in the region to request for that program, LS-K sends a signal "generates second type request" indicative for the unavailable requested program or channel to CS to ask for a copy or channels not within the limited selection of channels and passes it on to the customer, note page 1269, col. 1, paragraph beginning "Let us first...."

As to claim 6, Yum further discloses where the limited selection of channels is modified based on the first type request from the user terminals, note page 1269, col. 1, paragraph beginning "Let us first...."

As to claim 7, a Yum further discloses where plurality of the LS-Ks are coupled to the CS, note figure 1

As to claim 8, further discloses where the LS-K "broadcasting unit" comprises the claimed "a channel selector..." is inherent to Local Switches K (LS-K), note figure 1 and page 1268, col. 2, subtitle "II. System Architecture," lines 1-page 1269, note that the Central Switch (CS) broadcasts video programs and allocates circuits for interactive video to LS-K, where LS-K selects from among available channels at an input of LS-K

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beginning "Let us first...."

channels to the subscribers in their respective regions; At LS-K "a request receiver," "a request handler," "a request generator" and "a request transmitter" all inherent to LS-K performs the functions; when the customer turns on his TV Set to select a particular program or channel with the remote control unit, the selection is transmitted to LS-K, the "request handling means" at LS-K checks if the requested program is currently being transmitted and sends a copy to that customer, on the other hand if the customer is the first one in the region to request for that program, LS-K sends a signal "generates second type request" indicative for the unavailable requested program or channel to CS to ask for a copy and passes it on to the customer, note page 1269, col. 1, paragraph

Response to Arguments

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection discussed above. The claims, as amended, such as the removal of "adapted for" clauses, have changed the scope of the claims, and necessitated the new ground(s) of rejection above. The drawings filed on 03/02/00, are also accepted. This is a **Final Office Action**.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cunningham et al (6,378,131) disclose local upstream hub for one-way cable system cable data/video/services requests.

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Hoarty (5,883,661) discloses output switching for load leveling across multiple service areas.

Watson, Jr. et al (5,812,928) disclose cable television control apparatus and method with channel access controller at node of network including channel filtering system.

Wang (5,280,630) discloses method and apparatus for dynamic channel allocation.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on 700am-500pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone numbers

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for the organization where this application or proceeding is assigned are **703-746-5991** for regular communications and **703-746-5991** for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is **703-306-0377**.

Annan Q. Shang July 28, 2003.

> JOHN MILLER SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600